

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated the 3rd day of April 1998

: B E F O R E :

THE HON'BLE MR.JUSTICE : M.B.VISHWANATH

WRIT PETITION No. 10731 OF 1991

BETWEEN :

Bhimappa, S/o Shivappa Pattar,  
since deceased by his L.Rs.:

- 1a) Smt. Kallawwa, W/o  
late Bhimappa Pattar,  
55 years, Yarnal village,  
Basavana Bagewadi Taluk,  
Bijapur District.
- 1b) Kalappa Bhimappa Pattar,  
26 years, Occ: Business,  
rest -do-.
- 1c) Shivappa Bhimappa Pattar,  
18 years, Student,  
rest -do-.

...Petitioners

( By Sri I.G.Gachchinamath, Advocate.)

A N D :

1. The State of Karnataka,  
by its Secretary,  
Revenue Department,  
Vidhana Soudha, Bangalore-1.
2. The Land Tribunal,  
Basavana Bagewadi,  
by its Chairman,  
Basavana Bagewadi,  
Bijapur District.
3. Gurappa, S/o Shivappa Pattar,  
since deceased by his L.Rs. :
- a) Shivappa, S/o Gurappa Pattar,  
45 years, Teacher, Ramalingeshwara  
Government High School,  
Muchalamb, Basavakalyana Taluk,  
Bidar District.

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- b) Shankarappa, S/o Gurappa Pattar,  
35 years, Occ: Service at  
K.S.R.T.C. - DWS, Toravi Road,  
Bijapur, R/o Bijapur Taluk,  
Bijapur District.
- c) Gangadhar, S/o Gurappa Pattar,  
24 years, agriculturist, R/o  
Yarnal, Basavana Bagewadi Taluk,  
Bijapur District.

... Respondents

( By Sri Huleppa Heroor, HCGP, for R-1 & R-2.  
Sri S.B. Shahapur, Advocate for R-3(a)  
to 3(c). )

Writ Petition filed praying this Court to  
quash the impugned order dated 21.3.1979 bearing  
No. TNC.SR.292/75 (Annexure-D) passed by the 2nd  
respondent.

This petition having been reserved, coming on  
for pronouncement of order this day, the Court pro-  
nounced the following :

O R D E R

The arguments of the learned Counsel for the  
petitioner (since deceased by his L.Rs.), the learned  
Government Pleader for R-1 and R-2, and the learned  
Counsel for R-3(a) to 3(c) have been heard.

2. In this petition the order passed by the  
Land Tribunal, Basavana Bagewadi, in case No. TNC.SR.  
292/75 on 21.3.1979 as per Annexure-D has been  
challenged. As per the impugned order, the Tribunal  
rejected the Form No.7 filed by the petitioner praying  
that he should be granted occupancy rights.

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3. The petitioner (since deceased by L.Rs.) was a party to the proceedings. The impugned order has been passed as far back as 21.3.1979.

4. The Writ Petition has been filed in the year 1991, 11 years after the order in question was passed. To repeat, the present petitioner (since deceased by L.Rs.) was a party to the proceedings. There is inordinate delay in filing the present writ petition.

5. Accordingly the writ petition is dismissed on the ground of delay.

Sd/-  
JUDGE

ckc/-

